

## Accessing Social Services Child Care Files: The Life and Importance of Graham Gaskin (1959 – 2002)

*Jim Goddard and Rosie Canning*

It is not widely known, amongst people who grew up in care before 1989, that we owe our rights to access our child care files to a fellow care leaver. That's why we have written this short account for Care Experienced History Month.

Graham Gaskin was born in Liverpool in 1959. When he was only nine months old, his mother committed suicide by throwing herself from the Wallasey ferry and he was taken into care. He spent virtually all his childhood in care - mostly in foster homes but also, at one point, in an adult mental hospital - finally leaving in 1977. While he was in care, he endured abuse many times. After leaving, he wanted to get his social services file to help him understand what had gone on. Liverpool City Council Social Services Department only let him have access to parts of the file. At one point, he took his file without permission but then returned it. With legal help, he took the council to court for negligence and sought access to his file as part of this process. He lost his initial case but kept trying. Eventually, the legal case ended up in the European Court of Human Rights in 1989. This time, he won.



The UK had already introduced the Access to Personal Files (Social Services) Regulations in 1989. These granted access to care files for adults who had been in care as children. However, they only applied to future files. They didn't apply to files kept before 1989. When Graham Gaskin won his case, it meant that those of us who were in care before 1989 also had the right to access our care files.

The European Court judgement, in granting Graham Gaskin access to his files, said: "since the information compiled and maintained by the local authority related to the applicant's basic identity, and indeed provided the only coherent record of his early childhood and formative years, it [the court] found the refusal to allow him access to the file to be an interference with his right to respect for his private life" (paragraph 39). It also noted that, "persons in the situation of

the applicant have a vital interest, protected by the [human rights] Convention, in receiving the information necessary to know and to understand their childhood and early development." (paragraph 49)

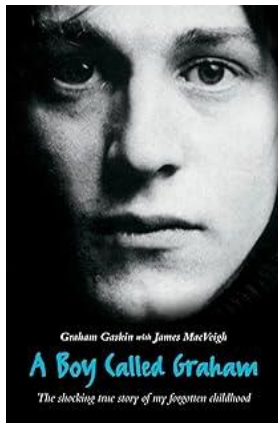
While the court accepted the right of the state to sometimes withhold information, it sided with Graham because he had been given no right of appeal against the decision by Liverpool City Council Social Services Department. From this, our rights

of access have since grown through such measures as the Data Protection Act 1998.

Graham eventually ended up in prison for murder and died of AIDS in Hull Prison in the early 1990s. Before he died, he wrote of how a 'silver lining' had begun to develop in prison. In January 2001, he received a letter from the Prison Reform Trust telling him that one of his stories had been awarded second prize of £100 in the previous year's Andrew Groves Short Story competition. He also won another prize and an Arthur Koestler Merit Award for his poem 'Images of Manila'.

If you want to know more, you can find out about the European Court of Human Rights case here: [https://en.wikipedia.org/wiki/Gaskin\\_v\\_United\\_Kingdom](https://en.wikipedia.org/wiki/Gaskin_v_United_Kingdom)

If you want to read the European Court of Human Rights judgement from 1989, you can find that here (you can even download it as a pdf document):  
<https://hudoc.echr.coe.int/tpk197/view.asp#%22itemid%22:%22001-57491%22>



You can still buy James Macveigh's 1982 book on Graham Gaskin (simply called, 'Gaskin') on Amazon. It was written before the European Court judgement, but you can find out a lot about his early life.

There's also Graham Gaskin's autobiography, 'A Boy Called Graham' (2005). This was given by Graham to his friend Reni, who visited him in prison and who passed it on to James McVeigh). It is also available on Amazon.

Finally, there was also a BBC television film called 'Gaskin', made in 1983, starring Paul McGann.